

United States District Court
Eastern District of California

Andre Ramon Craver,
Plaintiff,
vs.
M. Norgaard, et al.,
Defendants.

No. Civ. S 05-0546 FCD PAN P
Findings and Recommendations

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Plaintiff is a state prisoner prosecuting this civil rights
action without counsel.

June 21, 2005, the court dismissed plaintiff's claims
against defendants Madrigal and Bates pursuant to 28 U.S.C.
§ 1915A, with leave to amend. The court informed plaintiff he
could proceed against defendants M. Norgaard and Roche by
submitting materials for service within 15 days, but the court
would construe his election so to proceed as consent to dismissal
of his claims against defendants Madrigal and Bates without leave

1 to amend.

2 July 11, 2005, plaintiff submitted materials for service of
3 defendants M. Norgaard and Roche. I find plaintiff has consented
4 to dismissal of claims against defendants Madrigal and Bates
5 without leave to amend.

6 Accordingly, the court hereby recommends that claims against
7 defendants Madrigal and Bates be dismissed without prejudice.

8 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
9 findings and recommendations are submitted to the United States
10 District Judge assigned to this case. Written objections may be
11 filed within 20 days of service of these findings and
12 recommendations. The document should be captioned "Objections to
13 Magistrate Judge's Findings and Recommendations." The district
14 judge may accept, reject, or modify these findings and
15 recommendations in whole or in part.

16 Dated: August 2, 2005.

17 /s/ Peter A. Nowinski

18 PETER A. NOWINSKI
19 Magistrate Judge
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